



STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF THE SECRETARY
BATAAN MEMORIAL BUILDING, SUITE 180 SANTA FE, NM 87501
(505) 827-4985 FAX (505) 827-4984

SUSANA MARTINEZ
GOVERNOR

THOMAS E. CLIFFORD, Ph.D
CABINET SECRETARY

VIA E-MAIL

June 7, 2013

Justin Horwath
Santa Fe Reporter
132 Marcy Street
Santa Fe, NM 87501
Justin@sfreporter.com

Re: Request to Inspect Public Records

Dear Mr. Horwath,

On April 15, the New Mexico Department of Finance and Administration (DFA) received your request to inspect records. You requested:

- "I request to inspect all expenditures made on the procurement card or procurement cards by the security officers and First Gentleman Chuck Franco, who went on a September 2011 trip to Louisiana. The names of the security officers are Frank Chavez and Ruben Maynes. The records I'm requesting should cover the time period September 4, 2011 to September 12, 2011. The records should show the cost, time and date of each expenditure, as well as the goods or services purchased and the name of the establishment at which each expenditure was made. This includes, but is not limited to, purchases made for dining, lodging, accommodations, travel and entertainment. Moreover, I'm requesting to inspect details on *every* expenditure made during this particular trip – no matter if they were made by the security officers, the First Gentleman or *anyone else*."

Disclosure of procurement card statements create security risks to the Governor and the Governor's family. Procurement card statements for the Governor's security detail identify the officer assigned to protect the Governor and/or her family on specific dates and include transaction-level detail, including the transaction date, vendor name (e.g., hotel or restaurant), and city and state of the transaction.

Disclosure of such information could compromise the physical and identity security of the Governor or her family, thereby compromising the Governor's and her family's right to be free from physical harm. [NMSA 1978, § 29-2-27](#); *Texas Department of Public Safety v. Cox Texas Newspapers, L.P.*, 343 S.W.3d 112, 114-16 (Tex. 2011).

Accordingly, DFA is denying your inspection request. In my role as Records Custodian, I made the decision to reject your request in consultation with DFA's General Counsel, Gregory S. Shaffer.

Compilation of security expenditures is possible. DFA is willing to create reasonable compilations of security expenditures at a level of detail that does not jeopardize the Governor's security.

If you are interested in such a compilation of expenditure data, please let me know in writing what level of detail you are seeking and over what period of time. We will assess your request in light of the burden necessary to create the compilation as well as the risk to the Governor's security.

Sincerely,

Tim Korte
Records Custodian